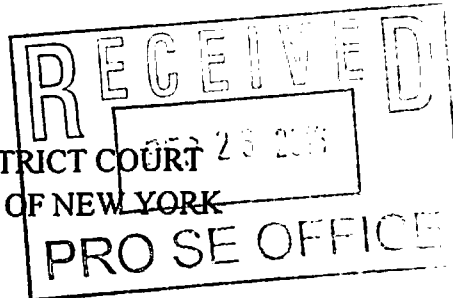


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK



Wajid Kahlil al-Qadaffi

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

- ① New York Police Department
- ② City of New York
- ③ New York Police Officer Molina, Shield #

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil
Rights
(Non-Prisoner Complaint)

CV No. **16-5422**
(to be filled in by the Clerk's Office)

Jury Trial:

☒ Yes ☐ No
(check one)

COGAN, J.

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address

Wahid Kahlil al-Qaddafi

[REDACTED]

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name
Job or Title
(if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address
(if known)

New York Police Department

One Police Plaza
~~100 Church Street~~

New York

New York 10007

(212) 356-2371

Defendant No. 2

Name

City of New York, Corporation
Counsel

Job or Title
(if known)

Street Address

100 Church Street

City and County

New York

State and Zip Code

New York

Telephone Number

(212) 356-2371

E-mail Address
(if known)

Defendant No. 3

Name

New York Police Officer Molina (FNU)
Shield No. 953123

Job or Title
(if known)

Street Address

One Police Plaza

City and County

New York

State and Zip Code

New York

Telephone Number

(212) 356-2371

E-mail Address
(if known)

Defendant No. 4

Name

Job or Title
(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ State or local officials (a § 1983 claim)
☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

(1) Fourth Amendment, “unreasonable search/seizure clause”
 (2) Fourth Amendment, “Due Process Clause” (3) Fourteenth Amendment, “Equal Protection Clause” (4) Fifth Amendment, “self incrimination clause”
 (see attachment)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Defendant, an NYPD police officer stopped, searched, questioned, and detained plaintiff because they had authority as an employee of the NYPD, he would not have done such if he were not a NYPD officer.

Claim No.1

Deprivation of Rights, 42 U.S.C., Sec. 1983 against
P.O. Molina

Claim No.2

Deprivation of Rights, 42 U.S.C., Sec. 1983 against City of
New York

Claim No.3

False Arrest, Under New York State law

Claim No.4

Claim No.4

Intentional and Negligent Infliction of Emotional Distress
Under laws of New York State, against all defendants

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

571 Washington Avenue, Brooklyn, NY 11215

- B. What date and approximate time did the events giving rise to your claim(s) occur?

December 15, 2015 at approximately 12:30 pm

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

NYPD
officer
Molina, Badge #
953123

Plaintiff lawfully walking with an acquaintance, neither engaged in illegal or suspicious or notable actions, with plaintiff carrying an item that was completely wrapped in a "black colored" plastic bag with the contents totally obscured from identification, with a straw protruding and him sipping. Defendant officer stopped him and asked, "Is that a beer can in the bag, or words similar. Plaintiff said, exactly, No disrespect officer but I do not want to engage with your questions and would like to continue to my destination? Defendant officer would not allow plaintiff to continue walking and said he would be arrested if he tried to walk on. Plaintiff then asserted to the officer

that he was being profiled and the only reason he was stopped was because he was a Black male. Defendant officer asked, "What does race have to do with this." Plaintiff responded and continues to assert that the defendant NYPD officer had never detained a white male or female under similar circumstances. Defendant officer coerced plaintiff to open the black bag despite plaintiff's objections that the stop and detention had no legal basis. After opening the bag for the officer plaintiff believed the matter had ended and told the officer that he was tired of being stopped by NYPD and was going to sue. The officer who was questioning plaintiff by himself called his partner that was standing twenty feet away to come over. He was told to watch him as he went to the car and returned with a ticket although the can was non-alcohol beer and not subject to New York City prohibition against public consumption of alcohol.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Plaintiff suffered emotional distress, embarrassment, anxiety, humiliation, shame, elevated blood pressure, anguish, anger, depression as a result of defendant's unlawful detention

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff seeks permanent injunction prohibiting NYPD from stopping, questioning, detaining persons of color while walking in public drinking from something obscured from identification if there are no obvious indications of intoxication. Plaintiff seeks \$5000 actual damages and \$300,000.00 (three hundred thousand dollars) punitive damages because NYPD is already under injunction to refrain from this behavior and is failing to comply.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9/26^{WA}, 2016

Signature of Plaintiff Wajid Al-Zadaffi

Printed Name of Plaintiff Wajid Kahlil al-Qadoffi